IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WA.No. 1102 of 2007()

AGAINST THE JUDGEMENT IN WPC.25283/2006 Dated 15/02/2007
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APPELLANT/PETITIONER:

ULAHANNAN PAULOSE,
KARAVATTE PENATTEL, ORAMANA, MEMMURY,
MUVATTUPUZHA.

BY ADV. SRI.GHOSH YOHANNAN
SRI.K.RAKESH ROSHAN

RESPONDENTS/RESPONDENTS :
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1. STATE OF KERALA,
REP.BY THE DISTRICT COLLECTOR,
ERNAKULAM.

2. LAND ACQUISITION OFFICER,
SPECIAL TAHSILDAR (M.V.I.P.)
KOOTHATTUKULAM.

BY SR. GOVERNMENT PLEADER SHRI M.R. SABU.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 1102 OF 2007

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Dated this the 29th May , 2007

J U D G M E N T

H.L. Dattu, C.J.:

Challenging the judgment of the learned single Judge in W.P.(C) No. 25283 of 2006 dated 15.02.2007, the petitioner is before us in this appeal.

2. The facts in nut shell are:

The petitioner had filed an application under section 28 A of the Land Acquisition Act along with a copy of the judgment in L.A.R.Nos. 225 and 226 of 1999 inter alia requesting the Land Acquisition Officer to enhance the compensation, keeping in view the award passed in L.A.R.Nos. 225 and 226 of 1999. During the pendency of that application, the petitioner had filed yet another application dated 10.08.2006 along with a copy of the judgment in L.A.R.No. 58 of 1999 inter alia contending that he is entitled to get a fair compensation in view of the award passed in L.A.R.No. 58 of 1999.

Since no orders were passed in the second application, the petitioner was before this Court in W.P.(C) 25283 of 2006. The learned single Judge, while disposing of the Writ Petition has made certain observations and according to the learned counsel for the appellant /petitioner that those observations would come in the way of the Land Acquisition Officer in independently considering the

application dated 10.08.2006 filed by the Writ Petitioner.

3. After going through the orders passed by the learned single Judge, we are of the opinion that the learned counsel for the appellant is justified in making the aforesaid contention. In view of the above, we intend to pass the following:

O R D E R

i) Writ Appeal is disposed of.

ii) The Land Acquisition Officer will decide the application dated 10.08.2006 filed by the petitioner for enhancement of compensation in accordance with law and without being influenced by any one of the observations made by this court while disposing of Writ Petition No. 25283 of 2006.

iii) All other contentions of both the parties are left open.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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